

Ray, Lauren

From: Richard Goodwin <rgoodwin@richardkgoodwinpc.com>
Sent: Friday, May 29, 2015 11:49 AM
To: Ray, Lauren
Subject: FOIA request

On May 7, 2015 I sent a letter to the EPA requesting information. In order to insure that the request is properly handled, please treat the letter as a request for information under the Freedom of Information Act (FOIA). If you need any thing further, please let me know. Rick Goodwin

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May 7, 2015

Oklahoma Department of Environmental Quality
PO Box 1677
Oklahoma City, OK 73101-1677

EPA Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202

Re: "Test Wells"
Rogers County, Pawnee County, and Okmulgee County, OK

Gentlemen:

Enclosed are the following:

1. Letter to ODEQ dated June 24, 2013.
2. Letter to ODEQ dated August 23, 2013.
3. Letter to ODEQ dated September 30, 2013.
4. Email from Ellen Akin dated October 23, 2013 and the three documents sent with the email. Only the first page of the Site Characterization Work Plan is enclosed.
5. Letter to ODEQ dated November 12, 2013.
6. Letter to EPA Region 6 dated November 14, 2013.

I am restating my request for information under state and federal law for records of any nature dealing with the matters referred to in the above letters. It is my understanding that GTI and BP have completed all the remediation. I am requesting any and all records concerning any remediation under taken by GTI or BP at the Catoosa Test Facility site.

I am requesting any information or records from the EPA concerning the granting of primacy to the State of Oklahoma. Attached is what I believe to be the Memorandum of Agreement between the State of Oklahoma and the United States Environmental Protection Agency. The Agreement is not dated but I believe that the Agreement was signed sometime in 1981. A copy of a letter dated April 14, 1981 from the Oklahoma Corporation Commission to

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Region VI is enclosed which references the signed Memorandum of Agreement. I am requesting a copy of the Memorandum of Agreement between the State of Oklahoma and the United States Environmental Protection Agency that has been signed by the EPA and any amendments or changes to the Memorandum of Agreement since that time. The information enclosed dealing with primacy was obtained from the OCC pursuant to an open records request.

The April 14, 1981 letter also enclosed a Table of Contents containing over 159 pages of information. The Table of Contents is also enclosed, but not all of the information has been supplied with this letter. The letter dated March 31, 1981 from the then governor, George Nigh, states: "The Corporation Commission has the statutory authority, available expert personnel and the fiscal capabilities necessary to carry out such a program or regulation of those wells in the State which inject fluids for the purposes of enhanced recover of oil or gas, the storage of liquid hydrocarbons and the disposal of fluids brought to the surface in connection with the production of oil and gas."

The permitting process is described on pages 10-12. Part of the information required by the OCC which includes a plat showing the location of all oil and gas wells. Since the wells drilled by Amoco/BP and GTI and the other exempted operations do not file any records with the OCC, how is the OCC going to know that a well or wells even exist? 42 USCS § 300h requires minimum inspection, monitoring, recordkeeping and reporting requirements to insure protection of drinking water. On page 19, it states that the OCC considers all aquifers in the state to be underground sources of drinking water and deserving of protection. On page 23, in paragraph 3. entitled AREA OF REVIEW AND CORRECTIVE ACTION AUTHORITY, it states: "Under Oklahoma Corporation Commission Rule 3-304(b)(1), each application for an enhanced recovery injection or disposal well must contain a plat showing the location and depth of all abandoned, producing, drilling wells or dry holes within a one-half (1/2) mile radius of the proposed injection well." The reason as stated after the above quote is to determine if any well would act as a conduit for the migration of fluids to an underground source of drinking water.

Beginning on page 30, there is a discussion of the legal authority of the OCC to enforce rules that prevent pollution of surface and subsurface water. My letter to the EPA dated November 14, 2013 cites existing rules of the OCC that apply to "test wells" and "other exploratory holes".

Also enclosed with this letter is a copy of Order No. 617461 issued by the OCC in Cause CD No. 201100105. That order is currently under appeal and was recently affirmed by the Court of Appeals by opinion filed April 29, 2015. We are preparing to file a petition for certiorari within the 20 day period for filing. The OCC has ruled that it has no jurisdiction over test holes and related activities. There have been hundreds of wells/holes drilled at the Catoosa Test Facility site and many more at the other sites. If you take the OCC determination at face value, if anyone wants to drill a test well for any purpose, the well can be drilled without supervision from the OCC or ODEQ. No surface casing requirements. No plugging requirements. No way to provide a plat showing all the wells drilled in the area around a proposed disposal well. The

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OCC rules designed to prevent migration of oil and gas would not apply. Since there is not filing requirements and no completion or plugging reports, the existence of the well/hole is not known.

Please give this you immediate attention. The intention of the party drilling the well/hole should not be the controlling factor. Any penetration below the treatable water should be known and recorded. Any penetrator of a common source of supply and plugging off of the common source of supply when the well is abandoned should be known and recorded. Installing of surface pipe and cementing of the surface pipe should be known and recorded.

The current order from the OCC violates the very basis for the creation and existence of the OCC. The need for this regulation is shown as early as 1944. I have enclosed a copy of Order No. 17528 dated January 24, 1945 showing the protection afforded fresh water for any hole drilled for seismic, core, or other exploratory purposes.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard K. Goodwin', written over the word 'Sincerely,'.

Richard K. Goodwin

Enclosures